IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.10093 OF 2004

Gaurishankar Vinayak Deshmukh & 6 ors Petitioners

Vs

Trimbakeshwar Nagar Parishad
Trimbakeshwar... and ors. Respondents.

Mr G.S.Godbole, for the petitioners.
Mr P.N.Joshi, for respondnt no.1.
Mr Shriram S Kulkarni, for respondent nos 2 and 3.

CORAM : D.B.BHOSALE,J.
DATE : 28.08.2006

PC:

1. Heard the learned counsel for the parties.

2. Rule. Returnable forthwith. The respondents waive service. By consent, rule is heard forthwith.

3. This petition is directed against the order dated 31.3.2004 passed by Deputy Director of Land Records, Nashik Division, Nashik, condoning the delay of 20-21 years in filing the appeal by respondent no.1 against the order passed by the authority below dated 31.10.1983. In the memo of appeal and in particular paragraph 6 thereof respondent no.1 has stated that the appeal was filed in view of the disposal of the civil suit between the parties to this proceedings vide judgment and order dated 1.8.2003. Mr Joshi, learned counsel for respondent no.1, invited my attention to the

order dated 16.7.1986 passed by the appellate authority, which, while disposing of the appeal filed by one of the respondents in the present proceedings against the order dated 31.10.1983, had observed that the parties would have a liberty to approach the concerned officer for effecting necessary changes in the record after the civil suit was decided. I perused the order dated 16.7.1986 which gave liberty to the parties to approach the concerned officer after the civil suit was decided. Keeping that in view and considering the overall facts and circumstances of the case, the learned counsel for the parties have agreed for the following order and fairly stated that I need not record reasons for the same.

(a) Respondent no.1 shall have a liberty to approach the City Survey Officer afresh in view of the judgment and order dated 1.8.2003 passed in the civil suit for effecting necessary changes in the City Survey record.

(b) If such an application is made within four weeks from today, the concerned authority shall deal with the same afresh. The earlier order dated 31.10.1983, passed by the S.L.R. shall not come in the way of the City Survey Officer while dealing with the application that will be filed by respondent no.1 and he shall deal with the same on its own merits treating the order dated 31.10.1983 as non est.

(c) It is needless to express that the concerned authority shall hear all the parties before passing any order on the application that would be filed by respondent no.1. In the circumstances, the order impugned in the present writ petition renders inconsequential. All contentions are kept open.

(d) With these observations, rule is disposed of.

(D.B.BHOSALE,J.)